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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------------|-----------------------------|
| 10/600,237 | 06/19/2003 | Timothy Regan | 1026-090/MMM 303083.01 | 5539 |
| 27195 7590 12/14/2007 AMIN. TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114 | | | EXAMINER BAYARD, DJENANE M | |
| | | | ART UNIT 2141 | PAPER NUMBER |
| | | | NOTIFICATION DATE 12/14/2007 | DELIVERY MODE ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/600,237

Applicant(s)

REGAN, TIMOTHY

Examiner

Djenane M. Bayard

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to amendment filed on 9/25/07 in which claims 1-29 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent Application No. EP 1 241 890 to Thomas in view of U.S. Patent Application No. 2004/0054735 to Daniel et al.

- a. As per claims 1 and 11, Thomas teaches a messaging system providing instant message communication between computers, a multi-user computer instant messaging method, comprising the steps of: providing plural concurrent instant message user logins on a multi-user computer (See paragraph [0143], paragraph [0142] and paragraph [0180]), one of the plural concurrent instant message user logins being a registered buddy of a user of a second computer (See page 29, paragraph [0200]); Furthermore, Thomas teaches providing to the second

computer an indication that the registered buddy is one of plural concurrent instant message user logins on a multi-user computer (See paragraph [0200], *user only receives chat request from people on his buddy list*. However, Thomas fails to explicitly teach wherein at least one of the plural concurrent logins is by a first user and at least one of the plural concurrent logins is by a second user.

Daniel et al teaches wherein the first IM session is initiated with a first contact having a first IM account, while the second IM session is initiated with a second contact having a second IM account. (See paragraph [0009 and 0057]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Daniel et al in the claimed invention of Thomas in order to establish a first IM session and a second IM session in a single IM session Window (See paragraph [0009]).

b. As per claims 2 and 20, Thomas in view of Daniel teaches the claimed invention as described above. Furthermore, Thomas teaches wherein one of the plural concurrent instant message user logins on the multi-user computer is a guest login that does not correspond to a specific instant messaging user (See page 21, paragraph [0145]).

c. As per claims 3 and 12, Thomas in view of Daniel teaches the claimed invention as described above. Furthermore, Thomas teaches wherein the multi-user computer renders a video display concurrently with the plural concurrent instant message user logins on the multi-user

computer (See page 23, paragraph [0160]).

d. As per claim 21, Thomas teaches in an instant messaging system providing instant message communication between computers, multi-user computer instant messaging software in computer readable media, comprising: software for providing plural concurrent instant message user logins on a multi-user computer (See page 21, paragraph [0143] and page 36, paragraph [0142]) one of the plural concurrent instant message user logins being a registered buddy of a user of a second computer (See page 29, paragraph [0200]); and software for rendering on the multi-user computer a video display concurrently with the plural concurrent instant message user logins on the multi-user computer (See paragraph [0156]). However, Thomas fails to explicitly teach wherein at least one of the plural concurrent logins is by a first user and at least one of the plural concurrent logins is by a second user.

Daniel et al teaches wherein the first IM session is initiated with a first contact having a first IM account, while the second IM session is initiated with a second contact having a second IM account. (See paragraph [0009 and 0057]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Daniel et al in the claimed invention of Thomas in order to establish a first IM session and a second IM session in a single IM session Window (See paragraph [0009]).

e. As per claim 22, Thomas in view of Daniel teaches the claimed invention as described

above. Furthermore, Thomas teaches rendering an instant message on the multi-user computer concurrently with the rendering of the video display (See page 23, paragraph [0160]).

f. As per claim 23, Thomas in view of Daniel teaches the claimed invention as described above. Furthermore, Thomas teaches transmitting from the multi-user computer one of plural predefined instant messages (See page 17, paragraph [0120]).

g. As per claim 24, Thomas in view of Daniel teaches the claimed invention as described above. Furthermore, Thomas teaches wherein predefined instant messages transmitted from the multi-user computer is selected by a user with a wireless remote control device (See page 19, paragraph [0130]).

h. As per claims 4, 13 and 25, Thomas in view of Daniel teaches the claimed invention as described above. Furthermore, Thomas teaches rendering an instant message on the multi-user computer over a portion of the video display without a visible window surrounding the instant message (See page 22, paragraph [0156]).

i. As per claims 5, 14 and 26, Thomas in view of Daniel teaches the claimed invention as described above. Furthermore, Thomas fails to teach wherein the instant message is rendered with a user-discernible fade in and a user-discernible fade out (See paragraph [0156], *opaque and translucent*)

j. As per claims 6, 15 and 27, Thomas in view of Daniel teaches the claimed invention as described above. Furthermore, Thomas teaches wherein the instant message is rendered over a marginal region of the video display (See page 22, paragraph [0156]).

k. As per claims 7, 16 and 28, Thomas in view of Daniel teaches the claimed invention as described above. Furthermore, Thomas teaches wherein the instant message is rendered over a user-selectable portion of the video display (See page 22, paragraph [0156]).

l. As per claims 8 and 17, Thomas in view of Daniel teaches the claimed invention as described above. Furthermore, Thomas teaches wherein the multi-user computer renders a video display concurrently with the plural concurrent instant message user logs on the multi-user computer and the method further comprises rendering an instant message on the multi-user computer concurrently with the video display (See page 22, paragraph [0156]).

m. As per claims 9 and 18, Thomas in view of Daniel teaches the claimed invention as described above. Furthermore, Thomas teaches transmitting from the multi-user computer one of plural predefined instant messages (See page 17, paragraph [0120]).

n. As per claims 10 and 19, Thomas in view of Daniel teaches the claimed invention as described above. Furthermore, Thomas teaches receiving from a wireless remote control device a user indication of the one of plural predefined instant messages transmitted from the multi-user computer (See page 19, paragraph [0130]).

o. As per claim 29, Thomas in view of Daniel teaches the claimed invention as described above. Furthermore, Thomas teaches providing one of the plural concurrent instant message user logins on the multi-user computer as a guest login that does not correspond to a specific instant messaging user (See page 2, paragraph [0145]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

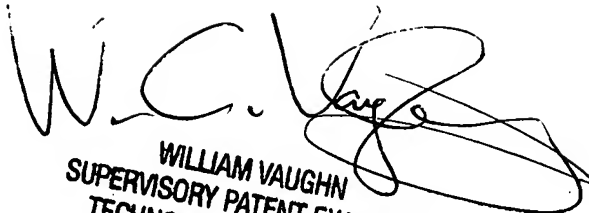
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Application/Control Number:
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Djenane Bayard

Patent Examiner


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